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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

VINCENT K. TYLOR,

Plaintiff,

v.

DLS TRANSPORTATION INC., a  
California Corporation; AMERIGO  
NAAMI; and DOES 1 through 10

Defendants.

Case No.: 8:15-cv-00957

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT AND DEMAND  
FOR JURY TRIAL**

Plaintiff Vincent K. Tylor (“Plaintiff” or “Mr. Tylor”), by and through his attorneys of record, alleges against DLS Transportation, Inc. (hereinafter “DLS Transportation”); Amerigo Naami; (hereinafter collectively “Defendants”) and DOES 1 through 10 as follows:

**I.**

**THE PARTIES**

1. Mr. Tylor is a resident of the State of Hawaii and an acclaimed photographer specializing in landscapes of Hawaii. Mr. Tylor’s photographs are copyrighted images.
2. Plaintiff operates the website [www.hawaiianphotos.net](http://www.hawaiianphotos.net) and regularly sells

1 his copyrighted images across the United States, including in Hawaii and  
2 California. Plaintiff works vigorously, through sending DMCA notices as  
3 well as cease and desist letters, to protect his copyrighted images.

- 4 3. Plaintiff is informed and believes that Defendant DLS Transportation is a  
5 California corporation with its principal place of business in Laguna Niguel,  
6 California.
- 7 4. Plaintiff is informed and believes that Defendants DLS Transportation and  
8 Amerigo Naami own, manage, supervise, and/or control commercial  
9 websites including, *inter alia*, <http://dlsaviation.com/> (and associated sub-  
10 Uniform Resource Locators (URLs)), (hereinafter the “Website”). On the  
11 Website, customers can view information on DLS Transportation’s services  
12 relating to its private luxury jet charter business.
- 13 5. Plaintiff is informed and believes that Defendants use the Website to  
14 advertise, market, and promote its charter jet business in order to maintain  
15 and generate business and profit.
- 16 6. Plaintiff does not presently know the true names and capacities of the  
17 Defendants named as DOES 1 through 10 and therefore sues such  
18 Defendants by these fictitious names. Plaintiff believes that the Doe  
19 Defendants are persons or entities who are involved in the acts set forth  
20 below, either as independent contractors, agents, or employees of the known  
21 Defendants, or through entering into a conspiracy and agreement with the  
22 known Defendants to perform these acts, for financial gain and profit, in  
23 violation of Plaintiff’s rights. Plaintiff will request leave of Court to amend  
24 this Complaint to set forth their true names, identities and capacities when  
25 Plaintiff ascertains them. The Doe Defendants and the known Defendants are  
26 referred to collectively as “Defendants.”
- 27  
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7. Plaintiff is informed and believes that Defendants have been or are the principals, officers, directors, agents, employees, representatives, and/or co-conspirators of each of the other Defendants, and in such capacity or capacities participated in the acts or conduct alleged herein and incurred liability therefore. Plaintiff is informed and believes that at some unknown time, the Defendants or some of them entered into a conspiracy with other of the Defendants to commit the wrongful acts described herein; the actions described below were taken in furtherance of such conspiracy; and Defendants aided and abetted each other in the wrongful acts alleged herein. Plaintiff is informed and believes that each of the Defendants acted for personal gain or in furtherance of their own financial advantage in doing the acts alleged below.

## II.

### **JURISDICTION AND VENUE**

8. This action is for damages and preliminary and permanent injunctive relief arising from Defendants' copyright infringements in violation of the Copyright Act of the United States, as amended, 17 U.S.C § 101 *et seq.*

9. ***Subject Matter Jurisdiction.*** This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 and § 1338(a).

10. ***Venue.*** Venue is proper in this district under 28 U.S.C § 1391(b) and (c) and 28 U.S.C. § 1400(a).

11. ***Personal Jurisdiction.*** Plaintiff is informed and believes that personal jurisdiction is proper over the Defendants because for years and continuing to the date of this Complaint Defendants operate commercial businesses headquartered within this judicial district and/or through which Defendants knowingly, systematically, and continuously transact business and enter into

1 contracts on an ongoing basis with and provide services to individuals or  
2 companies in California, including within this judicial district; operate  
3 websites that are accessible to and accessed by residents in the State of  
4 California and those within this judicial district; the copyright infringement  
5 that gave rise to this law suit occurred within this judicial district, or  
6 otherwise have sufficient contacts with the State of California.

7  
8 12. Plaintiff is informed and believes that Defendants, and those in control of  
9 dlsaviation.com, have had at relevant times and/or continue to have, technical  
10 and/or administrative operations in California, within this judicial district,  
11 such that the complained of conduct was directed or controlled from this  
12 judicial district.

13 13. Plaintiff is informed and believes that Defendants have provided, and/or  
14 continue to provide private jet charter services to businesses and individuals  
15 in California.

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17 **III.**

18 **FACTUAL ALLEGATIONS**

19 14. Plaintiff incorporates by reference each allegation contained in the foregoing  
20 paragraphs of this Complaint as if fully set forth herein.

21 15. Plaintiff is an acclaimed photographer.

22 16. Plaintiff is informed and believes that the Defendants manage and control the  
23 commercial website [www.dlsaviation.com](http://www.dlsaviation.com) where Defendants offer charter jet  
24 services.

25 17. The photographic work at issue in this case (the "Photograph") is an original  
26 work entitled to copyright protection pursuant to the copyright laws of the  
27 United States and is duly registered with the United States Copyright Office.

1 18. The Photograph was created by Mr. Tylor, who owns the copyright to the  
2 work. Specifically, the copyright number and name is as follows:

3 (1) Reg. No. VT-VA0001759562-O-06; Hanauma Bay Wide Web-LG

4 19. The Photograph was not a “work for hire.”

5 20. Plaintiff has incurred substantial time and expense in creating the  
6 Photograph.

7 21. Within the last three years, Plaintiff discovered that Defendants unlawfully  
8 copied, displayed, and distributed his registered Photograph without a license  
9 on its commercial website and potentially other locations to advertise,  
10 market, and promote its services.

11 22. Plaintiff is informed and believes that Defendants, without authorization or  
12 permission from Plaintiff, unlawfully copied/reproduced,  
13 uploaded/downloaded or caused to be uploaded/downloaded, publicly  
14 displayed and distributed the Photograph to a global audience on the World  
15 Wide Web via the Websites on at least the following URL/links:

16 <http://dlsaviation.com/hawaii-limousine-tour.htm>

17 <http://dlsaviation.com/packages-limousine-private-jets.htm>

18 [http://dlsaviation.com/images\\_banner/hawaii\\_beach.jpg](http://dlsaviation.com/images_banner/hawaii_beach.jpg)

19 An example of Defendants infringing use is attached hereto as Exhibit 1.

20 23. Plaintiff is informed and believes that Defendants commenced use of the  
21 Photograph after the Photograph had been registered with the United States  
22 Copyright Office.

23 24. At all relevant times, Defendants did not have a license or permission to use,  
24 display, distribute, copy, and/or reproduce the Photograph.

25 25. Plaintiff is informed and believes that Defendants copied/reproduced,  
26 uploaded/downloaded or caused to be uploaded/downloaded, publicly  
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1 displayed and distributed the Photograph with actual and/or constructive  
2 knowledge, that they did not have consent and/or a license to use the  
3 Photograph in the manner in which it was used in willful violation of  
4 Plaintiff's copyrights.

5 26. Plaintiff is informed and believes that Defendants unlawful  
6 copying/reproduction, uploading/downloading or causing to be  
7 uploaded/downloaded, public display and distribution of the Photograph to a  
8 global audience on the World Wide Web via the Websites constitutes direct  
9 copyright infringement.

10 27. Plaintiff is informed and believes that Defendant, Amerigo Naami had the  
11 capacity and opportunity to control the images copied/reproduced,  
12 uploaded/downloaded, publicly displayed, and distributed on the Website and  
13 continues to have such capacity.

14 28. Plaintiff is informed and believes that Defendant Amerigo Naami is the  
15 dominant influence in the corporation, has the power to control its actions,  
16 engaged in the infringing activities herein, and determined the policies which  
17 resulted in the infringement. Plaintiff is informed and believes that Defendant  
18 Amerigo Naami obtained profit from his infringing activities alleged herein.

19 29. Plaintiff is further informed and believes that Defendants continue to display  
20 and distribute the Photograph on at least the following links after receiving  
21 actual knowledge of the infringement by way of a cease-and-desist letter they  
22 received from Plaintiff containing the infringing links.

23 <http://dlsaviation.com/packages-limousine-private-jets.htm>

24 [http://dlsaviation.com/images\\_banner/hawaii\\_beach.jpg](http://dlsaviation.com/images_banner/hawaii_beach.jpg)

25 30. The Photograph was used by Defendants knowingly and recklessly in  
26 violation of Plaintiff's rights without obtaining a license or consent from  
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1 Plaintiff and thereby violating his exclusive rights as the copyright owner to  
2 reproduce, adapt, display, distribute, and/or create derivative works under 17  
3 U.S.C. § 106 and § 501.

4 31. Plaintiff is informed and believes Defendants have the right and ability to  
5 control, supervise, monitor and direct the websites wherein the infringing  
6 activity occurs.

7 32. Defendants have shown that they intend to continue, unless restrained, to use  
8 Plaintiff's copyrighted photographic work, willfully infringing, and causing  
9 irreparable damages to Plaintiff for which he has no adequate remedy of law.

10 33. Defendants' unlawful use of copies of Plaintiff's original photographic work  
11 has diminished the value of the original photographic work by distributing  
12 and encouraging redistribution of the photographic work without identifying  
13 the photographic work as being the exclusive property of Plaintiff.

14 34. Defendants' unlawful acts have been and are interfering with and  
15 undermining Plaintiff's ability to market Plaintiff's own original  
16 photographic work, thereby impairing the value and prejudicing the sale or  
17 license by Plaintiff of his own photographic work.

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19 **IV.**

20 **COPYRIGHT INFRINGEMENT PURSUANT TO 17 U.S.C. §§ 106 and 501**

21 35. Plaintiff incorporates by reference each allegation contained in the foregoing  
22 paragraphs of this Complaint as if fully set forth herein.

23 36. Plaintiff owns all rights, titles, and interests in and to the copyright for the  
24 Photograph, the use of which has not been licensed to Defendant.

25 37. Under Section 106 of the Copyright Act of 1976, 17 U.S.C. section 101 et  
26 seq. and 501 et seq. (the "Copyright Act"), Plaintiff has the distinct,  
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1 severable, and exclusive rights, inter alia, to reproduce, distribute and  
2 publicly display the Photograph.

3 38. Defendants misappropriated Plaintiff's copyrights in the Photograph through  
4 the copying/reproducing, uploading/downloading or causing to be  
5 uploaded/downloaded, display, publication, and/or distribution of the image  
6 on their commercial Websites.

7 39. Defendants misappropriated Plaintiff's copyrights in the Photograph with  
8 actual and/or constructive knowledge that the Photograph at issue did not  
9 belong to Defendants; Defendants thereby willfully engaged in unauthorized  
10 use, copyright, distribution, and/or display of Plaintiff's copyrighted  
11 Photograph.

12 40. Defendants' conduct constitutes willful direct infringement of Plaintiff's  
13 copyrights and exclusive rights under copyright in the Photographs in  
14 violation of Sections 106 and 501 of the Copyright Act (17 U.S.C. sections  
15 106 et seq. and 501 et seq.).

16 41. Defendants, by their unauthorized appropriation and use of Plaintiff's  
17 original Photographs, have been and are engaging in acts of unfair  
18 competition, unlawful appropriation, unjust enrichment, wrongful deception  
19 of the purchasing public, and unlawful trading on Plaintiff's goodwill and the  
20 public acceptance of Plaintiff's original Photographs.

21 42. Because Defendants used Plaintiff's copyrighted Photographs without a  
22 license, infringing the exclusive rights of Plaintiff as the copyright owner,  
23 Plaintiff is entitled to have the infringing publication and any improperly  
24 acquired likeness or images (however stored or recorded) impounded while  
25 this action is pending.

26 43. As a direct and proximate result of Defendants' wrongful acts, Plaintiff has  
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1 suffered and continues to suffer lost profits and damages.

2 44. As a direct and proximate result of Defendants' infringements, Plaintiff was  
3 damaged and is entitled to relief, including but not limited to damages,  
4 including attorney's fees he has and will sustain, pre-judgment interest, and  
5 any gains, profits and advantages obtained by Defendants as a result of the  
6 infringing acts alleged above. Plaintiff is presently unable to ascertain the  
7 full extent of the monetary damages he has suffered by reason of Defendants'  
8 acts of copyright infringement, but will be established according to proof at  
9 trial. Plaintiff also seeks to recover statutory damages for the infringement of  
10 his copyrights alleged herein of up to \$150,000.00 per infringement.

11 45. Plaintiff is entitled to a preliminary and permanent injunction restraining  
12 Defendants from engaging in further acts of copyright infringement and  
13 causing irreparable damage to Plaintiff for which he has no adequate remedy  
14 of law.

### 15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff prays for judgment against Defendants and each of  
17 them as follows:

- 18 1. For Plaintiff's actual damages.
- 19 2. For a full accounting under supervision of this Court of all profits,  
20 income, receipts, or other benefits derived by Defendants as a result of their willful  
21 and unlawful conduct.
- 22 3. For maximum statutory damages under Section 17 U.S.C. § 504(c) of  
23 the Copyright Act.
- 24 4. For prejudgment interest.
- 25 5. For attorneys' fees and costs.
- 26 6. For preliminary and permanent injunctive relief from ongoing  
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1 infringing activities, including, but not limited to:

- 2 a. enjoining Defendants, and all persons acting in concert or  
3 participation with them, from: directly or indirectly infringing in  
4 any manner, or causing, contributing to, enabling, facilitating, or  
5 participating in the infringement, of Plaintiff's copyrights  
6 (whether now in existence or hereafter created) or exclusive  
7 rights under copyright, and  
8 b. the seizure of all property made in, or used to assist in the,  
9 violation of Plaintiff's exclusive copyrights pursuant to 17  
10 U.S.C. §503, including, but not limited to, all copies of the  
11 Photograph, all domains, Internet Protocol (IP) addresses, and  
12 all servers and other computer equipment used to publish,  
13 broadcast or archive the Photograph.

14 7. For such other and further relief as this Court deems just and  
15 appropriate.  
16

17 Dated: June 16, 2015

LAW OFFICES OF ADAM I. GAFNI

19 By: /s/ Adam I. Gafni

20 Adam I. Gafni

21 Attorney For Plaintiff

22 VINCENT K. TYLOR  
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**DEMAND FOR JURY TRIAL**

25 Plaintiff hereby demands a trial by jury of any and all issues triable with right  
26 by a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.  
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2 Dated: June 16, 2015

LAW OFFICES OF ADAM I. GAFNI

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5 By: /s/ Adam I. Gafni  
6 Adam I. Gafni  
7 Attorneys For Plaintiff  
8 VINCENT K. TYLOR  
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